

REMARKS

Claim 10:

As an initial matter, Applicant notes that on the Form PTO-326, Office Action Summary, the Examiner has indicated that claims 1-11 are all of the claims pending in the present application. However, Applicant notes that in the Amendment filed April 16, 2003, claim 10 has been cancelled without prejudice or disclaimer. Therefore, Applicant notes that claims 1-9 and 11 are all of the claims pending in the present application.

Allowable Subject Matter:

Applicant thanks the Examiner for indicating that claims 1-4 have been allowed, and that although claims 6-9 and 11 are objected to, these claims would be allowable if written in independent form.

Claim Rejections:

In response to the Amendment filed April 16, 2003, Applicant notes that the Examiner has withdrawn the allowability of independent claim 5, and has rejected this claim under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,384,867 to Seino et al.

However, rather than addressing the Seino reference on the merits, Applicant respectfully notes that the U.S. filing date of the Seino reference is May 25, 2000, which is after than the U.S. filing date of the present application, which is December 28, 1999. In view of this, Applicant respectfully submits that the Seino reference is not available as prior art under any of the provisions of 35 U.S.C. § 102. As such, Applicant submits that Seino can not be used in a rejection of the present application under either 35 U.S.C. § 102 or 35 U.S.C. § 103.

OK
4/30/03
PFW
check
Seino

RESPONSE UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/472,869

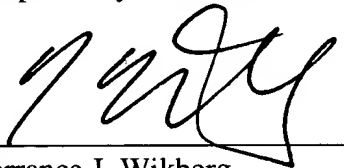
Therefore, Applicant submits that as no other rejection of claim 5 is pending, claim 5 and its respective dependent claims are allowable.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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